

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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ROLANDE CUTNER,

Plaintiff,

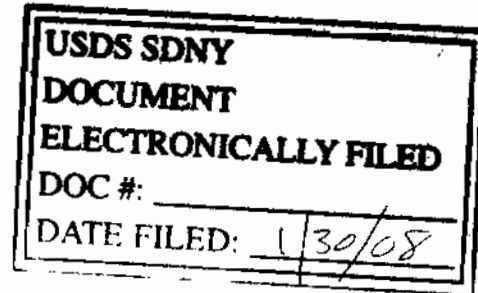
-against-

07 Civ. 8649 (LAK)

THE LANTERN GROUP, et al.,

Defendants.  
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**ORDER**



LEWIS A. KAPLAN, *District Judge*.


Plaintiff, who proceeds *pro se*, seeks a default judgment against defendants 319 West LLC and A.R.M. Capital Resources Corp. on the theory that they have not appeared or answered within the prescribed time following service.

Among the prerequisites to the entry of a default judgment is proof that the allegedly defaulting defendants have been duly served with process. In this case, the affidavits of service for both of the allegedly defaulting defendants state only that (1) each was served at an identical address in Brooklyn (2) by delivering a copy of the summons and complaint to "Jane Doe" (true name refused), Managing Agent," and (3) the process server "knew the person so served to be an agent authorized to accept on behalf of the entity to be served."

It seems exceptionally unlikely that the process server actually "knew the person so served to be an agent authorized to accept on behalf of the entity to be served," particularly in view of the fact that he did not even know the individual's name. As it is plaintiff's burden to establish that service of process was proper and the Court is not persuaded, the motion for a default judgment is denied without prejudice to renewal on more satisfactory proof that the allegedly defaulting entities were duly served.

SO ORDERED.

Dated: January 29, 2008

  
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Lewis A. Kaplan  
United States District Judge

Copies mailed 1/30/08  
Chambers of Judge Kaplan  
